

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

DIANA CURRY,

Plaintiff,

v.

TRI-STATE MEMORIAL
HOSPITAL; SPORT PHYSICAL
THERAPY CLINIC, PLLC, an Idaho
business entity,

Defendants.

NO. 14-CV-00336-JLQ

ORDER RE: MOTION AND
STIPULATION TO VOLUNTARILY
DISMISS DEFENDANT S.P.O.R.T
PHYSICAL THERAPY CLINIC, PLLC

BEFORE THE COURT is the parties' Motion and Stipulation to Voluntarily Dismiss Defendant S.P.O.R.T. Physical Therapy Clinic, PLLC (ECF No. 48) and Motion to Expedite (ECF No. 49). The Motion "is based upon the stipulation of the parties that Plaintiff has decided to voluntarily dismiss her claims as to Defendant S.P.O.R.T. Physical Therapy Clinic, PLLC" without prejudice. (ECF No. 48 at 2). The basis for the dismissal; *e.g.* settlement of the claims, is not provided the court nor is there any reason provided the court for dismissal without prejudice.

Fed.R.Civ.P. 41 allows the voluntary dismissal of a claim on the plaintiff's filing of a stipulation signed by all parties who have appeared in the case. Fed.R.Civ.P. 41(a)(1)(ii). While the Motion was filed by counsel for Defendant S.P.O.R.T. Physical Therapy Clinic, PLLC, the Motion contains the stipulated agreement of Plaintiff's counsel, counsel for Defendant Tri-State Memorial Hospital, and counsel for S.P.O.R.T. Physical Therapy

1 Clinic, PLLC. As the facts presented in the Motion support dismissal of S.P.O.R.T.
2 Physical Therapy Clinic, PLLC, and all parties have agreed to the dismissal, the court will
3 grant the Motion.

4 The court observes this matter is now over two years old and claims injuries
5 occurring in 2012. The continuance of the matter and the court's prior Scheduling Orders
6 were only granted at the request of counsel for the now dismissed Defendants.

7 **IT IS HEREBY ORDERED:**

- 8 1. The Motion and Stipulation to Voluntarily Dismiss Defendant S.P.O.R.T.
9 Physical Therapy Clinic, PLLC, an Idaho Business Entity (ECF No. 48) and
10 Motion to Expedite (ECF No. 49) are **GRANTED**.
11 2. The Amended Complaint (ECF No. 22) and the claims therein against
12 S.P.O.R.T. Physical Therapy Clinic, PLLC, an Idaho Business Entity, are
13 **DISMISSED WITHOUT PREJUDICE**.
14 3. The Clerk of this court shall enter judgment herein dismissing the Amended
15 Complaint and the claims therein against S.P.O.R.T. Physical Therapy Clinic,
16 PLLC, an Idaho Business, Entity, without prejudice and without costs or
17 attorney fees to any party.
18 4. The Clerk shall remove S.P.O.R.T. Physical Therapy Clinic, PLLC, an Idaho
19 Business Entity, from the caption of the case.

20 **IT IS SO ORDERED.** The Clerk is hereby directed to enter this Order and
21 judgment, and furnish copies to counsel.
22

23 Dated October 19, 2016.

24 s/ Justin L. Quackenbush
25 JUSTIN L. QUACKENBUSH
26 SENIOR UNITED STATES DISTRICT JUDGE